

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.423 OF 2016

Kautik Chango Katkar ... APPELLANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri P.D. Dhorde, Advocate for appellant
Shri K.S. Patil, A.P.P. for State
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 20th July, 2016.

ORAL ORDER :

1. Heard counsel for the appellant. According to him, between the appellant - original complainant and the accused persons, there were disputes due to earlier elections. The accused persons assaulted the complainant and his wife and abused them on the basis of caste. It is argued that, although the trial Court has highlighted the different abuses, it is not held

that abuses on caste were not given. The counsel says that, the appellant has arguable case and it is necessary to interfere in the judgment of acquittal and to admit the appeal.

2. Heard A.P.P. also. Perused the judgment of the trial Court produced on record. The trial Court has considered the evidence of each of the witnesses and in para 20, culled out different abuses as mentioned by different witnesses and has also made a chart of how the evidence of different witnesses does not match even with regard to the alleged assaults. The trial Court has, apart from the charts, also discussed the evidence to highlight that the evidence of witnesses contained various inconsistencies and contradictions in the statements. The trial Court has, considering all the evidence, taken a view that it was not possible to believe the evidence of the witnesses and consequently acquitted the accused persons.

3. Nothing is shown on the basis of which it could be said that the reasonings recorded by the trial Court are perverse. It is not shown that the observations recorded by the trial Court are not on the basis of record. This being appeal against acquittal, looking to the fact that the view taken by the trial

Court is a possible view, there is no reason to interfere and admit the appeal.

4. Admission of the appeal is declined. The appeal is dismissed.

(A.I.S. CHEEMA, J.)